

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

HASHIMOTO et al.

Group Art Unit: unassigned

Divisional of  
Application No. 09/939,374

Examiner: unassigned

Filing Date: July 8, 2003

For: FUSED-RING COMPOUNDS AND USE  
THEREOF AS DRUGS

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that any reference listed thereon is prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that they represent art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that the references are not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- ☒ **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d); (b) within three months of the date of entry of the national stage as set forth in § 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☐ **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under § 1.113, a Notice of Allowance under § 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
- ☐ the Statement under § 1.97(e) (see "Statement under § 1.97(e)" below).  
*or*  
☐ the fee of \$180 set forth in § 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a final action under § 1.113 or a Notice of Allowance under § 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under § 1.97(e) (see "Statement under § 1.97(e)" below), and the fee of \$180 as set forth in § 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a Notice of Allowance under § 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under § 1.704(d) (see "Statement under § 1.704(d)" below), and the fee of \$180 as set forth in § 1.17(p) (see "Fees" below).
- NOTE: This is for original applications except applications for a design patent, filed on or after May 59, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with §§ 1.97 and 1.98 is being filed.

#### Copies of the References

- ☐ Copies of the references listed on the enclosed Form 1449 are enclosed herewith. Attached to each reference not in the English language is a concise explanation of its relevance pursuant to § 1.98(a)(3).
- ☐ A copy of a foreign search report from a counterpart foreign application is enclosed herewith.
- ☒ The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and a copy of each reference was furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references.

In re Appln. of HASHIMOTO et al.  
Divisional of Application No. 09/939,374

The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with § 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC § 120 in which copies of the reference were previously furnished are set out below:

U.S. APPLICATIONS		STATUS (CHECK ONE)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1. 09/939,374	Aug. 24, 2001		X	
2. 0 /				
3. 0 /				

**Statement under § 1.97(e)**

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

**Statement under § 1.704(d)**

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

**Fees**

- ☒ No fee is owed by the applicant(s).
- ☐ The **IDS Fee of \$180** under § 1.17(p) is enclosed herewith.

In re Appln. of HASHIMOTO et al.  
Divisional of Application No. 09/939,374

**Method of Payment of Fees**

- ☐ Attached is a check in the amount of \$  
☐ Charge Deposit Account No. 12-1216 in the amount of \$180.00. (A duplicate copy of this communication is enclosed for that purpose.)

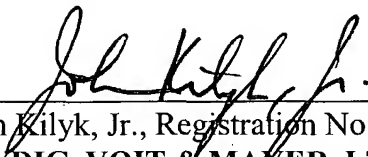
**Authorization to Charge Additional Fees**

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

**Instructions as to Overpayment**

- ☒ Credit Account No. 12-1216.  
☐ Refund.

Respectfully submitted,

  
\_\_\_\_\_  
John Kilyk, Jr., Registration No. 30,763  
**LEYDIG, VOIT & MAYER, LTD.**  
Two Prudential Plaza, Suite 4900  
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(312) 616-5600 (telephone)  
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Date: July 8, 2003

Please type a plus sign (+) inside this box →



PTO/SB/08A/B (10-96)  
Approved for use through 10/31/99. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	
				Filing Date	
				First Named Inventor	
				Group Art Unit	
				Examiner Name	
Sheet	1	of	3	Attorney Docket Number	223488

U.S. PATENT DOCUMENTS								
Examiner Initials <sup>1</sup>	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Class	Subclass	Filing Date If Appropriate
		Patent Number	Kind Code					
	AA	3,644,382		Clemence et al.	12-22-1972			
	AB	3,778,504		Clemence et al.	12-11-1973			
	AC	4,250,317		Meyer et al.	02-10-1981			
	AD	4,360,679		Meyer et al.	11-23-1982			
	AE	5,280,030		Jegham et al.	01-18-1994			
	AF	5,563,143		Cohan et al.	10-08-1996			
	AG	5,633,388		Diana et al.	05-27-1997			
	AH	5,814,651		Duplantier et al.	09-29-1998			
	AI	5,998,398		Daluge et al.	12-07-1999			
	AJ	6,166,219		Yamasaki et al.	12-26-2000			
	AK	6,211,177		Sperl et al.	04-03-2001			
	AL	6,448,281		Beaulieu et al.	09-10-2002			

FOREIGN PATENT DOCUMENTS										
Examiner Initials <sup>1</sup>	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Class	Subclass	Translation	
		Office	Number	Kind Code					Yes	No*
	AM	EP	0 010 063	A	CIBA Geigy AG	04-16-1980				X <sup>+</sup>
	AN	EP	0 507 650	A	Synthelabo	10-07-1992				X <sup>+</sup>
	AO	EP	0 694 535	A	Eli Lilly and Company	01-31-1996				
	AP	JP	03 031264	A	Otsuka Seiyaku Kogyo KK	02-12-1991				X <sup>+</sup>
	AQ	JP	06-025182	A	Kanebo Ltd	02-01-1994				X <sup>+</sup>
	AR	WO	96/07646	A	Wellcome Foundation	03-14-1996				
	AS	WO	96/35713	A	Pfizer, Inc.	11-14-1996				

\* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

+ An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).

Examiner SigNat.		Date Considered	
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<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Please type a plus sign (+) inside this box → +

PTO/SB/08A/B (10-96)  
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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
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				Examiner Name	
Sheet	2	of	3	Attorney Docket Number	223488

FOREIGN PATENT DOCUMENTS										
Examiner Initials <sup>1</sup>	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Class	Subclass	Translation	
		Office	Number	Kind Code					Yes	No*
	AT	WO	97/25316	A	Glaxo Group Limited	07-17-1997				
	AU	WO	97/41884	A	Pharma Pacific Pty.	11-13-1997				
	AV	WO	97/46237	A	Eli Lilly and Company	12-11-1997				
	AW	WO	98/05327	A	Rhône-Poulenc Rorer	02-12-1998				
	AX	WO	98/37072	A	U.S. Dept. Health & Human Services	08-27-1998				
	AY	WO	98/50029	A	Univ. of Pittsburgh	11-12-1998				
	AZ	WO	98/50030	A	Univ. of Pittsburgh	11-12-1998				
	BA	WO	98/50031	A	Univ. of Pittsburgh	11-12-1998				
	BB	WO	99/24060	A	Mayo Foundation	05-20-1999				
	BC	WO	99/51619	A	University of Michigan	10-14-1999				
	BD	WO	01/21634	A	Trega Biosciences, Inc.	03-29-2001				
	BE	WO	01/47883	A	Japan Tobacco Inc.	07-05-2001				X <sup>+</sup>
	BF	WO	02/04425	A	Boehringer Ingelheim (Canada) Ltd.	01-17-2002				

OTHER - NON PATENT LITERATURE DOCUMENTS							Translation	
Examiner Initials <sup>1</sup>	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.					Yes	No*
	BG	BEHRENS et al., <i>EMBO J.</i> , 15 (1), 12-22 (1996)						
	BH	HASKELL et al., <i>J. Med. Chem.</i> , 13 (4), 697-704 (1970)						
	BI	HORI et al., <i>Chem. Pharm. Bull.</i> , 41 (10), 1832-1841 (1993)						
	BJ	KATAEV et al., <i>Khimiko-Farmatsevticheskii Zhurnal</i> , 30 (7), 22-24 (1996)						X <sup>+</sup>
	BK	KATAEV et al., <i>Pharmaceutical Chemistry Journal</i> , 30 (7), 448-450 (1996)						

\* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

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Examiner SigNat.		Date Considered	
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Substitute for form 1449A/B/PTO

(Use as many sheets as necessary)

**Complete if Known**

Application Number

Filing Date

July 8, 2003

**First Named Inventor**

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HASHIMOTO, Hiromasa

### Group Art Unit

Examiner Name

Attorney Docket Number

223488

Sheet

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of

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## OTHER - NON PATENT LITERATURE DOCUMENTS

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Examiner SigNat.		Date Considered	
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